

**IN THE UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF TEXAS  
DALLAS DIVISION**

**PLAINTIFF'S MOTION FOR REMAND AND  
FOR AWARD OF ATTORNEYS' FEES**

Plaintiff Collins-Leverett Associates, Inc. (hereinafter “Plaintiff”) moves the Court for an Order remanding this case to the 193<sup>rd</sup> Judicial District Court of Dallas County, Texas, from which it was improperly removed on November 19, 2015 by Defendant Travelers Casualty Insurance Company of America (“Travelers”). The Court should remand this case for at least the following reasons:

- Travelers has not met its burden to demonstrate the existence of diversity jurisdiction;
  - Travelers has not met its heavy burden of demonstrating that joinder of the non-diverse defendants, Ronnie Daly and Kevin Wood, was improper; and
  - Travelers' Notice of Removal is insufficient to satisfy Travelers' burden of proving improper joinder; therefore, the Court should award Plaintiff attorneys' fees and expenses occurred as a result of the removal pursuant to 28 U.S.C. §1447(c).

Plaintiff respectfully requests that the Court remand this case to the 193<sup>rd</sup> Judicial District of Dallas County, Texas and for all other relief the Court deems appropriate.

Respectfully submitted,

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**CERTIFICATE OF SERVICE**

I hereby certify that I electronically filed this document on this **10th day of December, 2015** and that a true and correct copy of the foregoing was served on all counsel of record *via CM/ECF* system for the United States District Court for the Southern District of Texas, and/or by facsimile (pursuant to written agreement of counsel), hand delivery, or certified mail – return receipt requested, as indicated below:

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*Via CM/ECF*

/s/ Adam Q. Voyles  
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